

## REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 11-14 have been amended. Support for the amendments is provided for example in Figs. 9 and 11 and paragraphs [0076]-[0081] and [0087]-[0092] of the published specification.

The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.) It should be noted that the claim amendments presented herein are considered to be non-narrowing, and no estoppel should be deemed to attach thereto.

Claims 11-14 stand rejected, under 35 USC §102(b), as being anticipated by Kou (US 5,303,234). To the extent that these rejections may be deemed applicable to the amended claims 11-14 presented herein, the Applicants respectfully traverse based on the points set forth hereinbelow.

Claim 11 defines a transmitting method that includes receiving information transmitted from a base station apparatus relating to a number of signals to be transmitted and transmitting transmission signals, the number of which matches the information received from the base station apparatus and comprising a transmission signal and at least one duplication of the transmission signal, using a resource selected at random from resource candidates. The claimed invention provides an advantage of enabling efficient and quick channel establishment (see, original specification at page 4, lines 1-6).

By contrast to the Applicants' claimed subject matter, the Applicants note that Kou discloses a user station that receives an assignment of minislots within a timeslot of a time division multiple access (TDMA) channel and selects one of the assigned minislots for use in retransmitting a duplicate of a packet that was previously transmitted but not correctly received (see Kou col. 1, lines 51-62). It is apparent that Kou's disclosure in no way teaches or suggest the Applicants' claimed subject matter of receiving information relating to the number of signals to be transmitted and transmitting a number of signals which corresponds to the information relating to the number of signals, wherein the transmitted signals include a transmission signal and at least one duplication thereof.

In contrast to Applicants' claim 11, Kou discloses a random-access communication system having a central station and user stations. In this system, each of the user stations: (1) transmits a packet to the central station on a randomly selected timeslot of a TDMA channel (see Kou col. 1, lines 46-49), (2) defines a plurality of minislots within the selected timeslot and (3) transmits a burst in one of the minislots (see Kou, col. 1, lines 49-51). The central station monitors the defined minislots to detect the burst transmission, and based on this monitoring, assigns as many time slots as required if more than one burst transmission is detected within a time slot interval (see Kou, col. 1, lines 51-55). Further, in Kou, a slot assignment signal containing a negative acknowledgment of the transmitted packet is transmitted to a user station, and the user station receiving the slot assignment signal responds to the negative acknowledgment by selecting one of the assigned timeslots indicated by the slot assignment signal and retransmitting to the central station a copy of the packet on the selected assigned timeslot (see Kou, col. 1, lines 55-62).

In Kou, if the number of detected minislots is equal to or greater than 2, a NAK signal is generated (step 44), and the number of timeslots required for retransmission is communicated to a slot assignment circuit 21 (see Kou's Fig. 4 and col. 4, lines 33-37). In response to the signal indicating the number of minislots being used, slot assignment circuit 21 assigns as many timeslots as there are minislots detected by decision circuit 10 (see Kou, col. 4, lines 47-52) by using data stored in a timeslot table. Kou's "slot assignment signal" indicates the timeslot assigned for retransmission when data collision occurs.

In contrast, the method of claim 11 relates to receipt of information, transmitted from a base station, relating to a number of signals to be transmitted. It is apparent that Kou's slot assignment signal has no relevance to such information relating to a number of signals to be transmitted.

Additionally, Kou discloses random access communication in Fig. 10 and column 7, lines 6-64. With respect to this random access communication, Kou discloses determining a count indicating the number of retransmit packets to which timeslots are not assigned (see Kou, col. 6, lines 24-27). Such unassigned retransmit packets occur when the terminal station receives a NAK because the central station detected no burst transmission in any minislots (see Kou, col. 6, lines 27-30).

Thus, Kou's number of retransmit packets refers to the number of packets to which timeslots are not assigned and bears no relationship to a slot assignment signal transmitted from a central station and indicating a timeslot assigned. That is to say, Kou's number of retransmit packets is different from, and thus does not teach or suggest, the feature of the Applicants'

claimed invention wherein the number of transmission signals matches the information which is transmitted from a base station apparatus and which relates to the number of signals.

Kou discloses that if a retransmit packet count is equal to or greater than 1, a packet is output from a retransmit buffer 65 (see, Kou, step 104 of Fig. 10 and col. 6, lines 31-38). If the number of retransmit packets is determined to be equal to 0, a new packet is output from a transmit buffer 64 (see Kou, col. 6, lines 50-52). Kou's random access communication involves transmitting one of a retransmit packet and a new packet in a randomly selected timeslot according to the number of retransmits packets.

By contrast with this, the instant claimed invention involves transmitting transmission signals including a transmission signal and at least one duplicate of the transmission signal. In other words, the instant claimed invention is directed to transmitting a plurality of transmission signals, obtained by duplicating a transmission signal, in one transmission unit and, therefore, Kou bears no relationship to this subject matter.

Accordingly, the Applicants respectfully submit that Kou lacks the above-noted features recited in instant claim 11 and, thus, does not anticipate or render obvious the subject matter defined by claim 11. Independent claims 13 and 14 similarly recite the above-mentioned subject matter distinguishing apparatus claim 11 from Kou, but with respect to apparatuses. Therefore, allowance of claim 11, 13, and 14 and dependent claim 12 is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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